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**A STRATEGY TO ENLIST THE
SUPPORT OF ORGANIZED LABOR
AND RELATED GROUPS TO MODIFY
THE OSHA RULE ON ETS**

Strategy Overview

- The OSHA rule has a number of serious shortcomings regarding its ETS provisions.
- The most troublesome provisions include:
 - (a) The separation of smokers from non-smokers
 - (b) The installation of costly external exhaust systems
- The essence of this strategy is to recognize that OSHA will be more responsive to the comments of the following groups -- who will be affected directly -- than they will be to those of the tobacco industry.
 - Organized labor including the Sheet Metal Workers and the Restaurant Association
 - Hotel Owners
 - Motel Owners
 - Restaurant Owners

BOMA Splinter Group
Association Bar + Tavern Owners
Small Business Assoc.
- The aforementioned groups would not only meet with OSHA, but also with:
 - Department of Labor officials
 - White House officials
 - Congressional offices

Strategy/Implementation

- The thrust of the implementation strategy is for **MBS/Federal Focus** to prepare policy and scientific papers which
 - Highlight the deficiencies in the OSHA proposed rule.
 - Suggest substantive and procedural reforms to correct the deficiencies in

the OSHA rule.

- **MBS/Federal Focus** would meet routinely with the aforementioned groups during the preparative and marketing of the position papers.

Options

1. **Prepare Position Papers On Regulatory Deficiencies** -- This option involves selecting the most vulnerable portions of the OSHA.
2. **Conduct an ETS Risk Assessment** -- This option involves conducting an ETS risk assessment from published studies -- similar to the one conducted by EPA and OSHA.
3. A combination of (1) and (2).

Analysis of Options

- The essential elements of Option (1), will also be included in Option (2). The technical issues to be addressed in both options include:
 - Diet as a confounder to ETS
 - The relevant threshold for relative risk comparison
 - Biological plausibility/weight of the evidence
 - Meta analysis to include studies completed subsequent to the EPA analysis
 - OSHA's definition of significant risk
 - ETS and heart disease
 - Nicotine as a biomarker
 - New developments in dose response curves for ETS
- Option (1) will require more time and resources than Option (2), but will be more complete and probably have a longer shelf life than Option (1).
- Number 1 though OSHA plans to issue another proposed rule at the end of this calendar year, the final rule may not be issued for a period of 12 to 18 months.

Supporting Activities

A number of initiatives could be undertaken to support the activities of labor and related groups.

Time record keeping -

- (1) **OMB** - OMB, who will have to approve the final rule -- they will need to be briefed on the scientific issues.
- (2) **Other federal Agencies** - Several Federal agencies, particularly DOT, are concerned about the precedent established by the EPA/OSHA risk assessments, primarily the use of risk analysis.
- (3) **Congressional Resource Services (CRS)** - The CRS has conducted several studies of ETS -- and would be utilized in select instances.
- (4) **Senate Building Hearings** - There is a likely chance that an influential Senate Committee might have a hearing on the OSHA risk assessment.
- (5) **Recent Statements by Scientists** - A number of scientists, not supported by the tobacco industry, have stated their misgivings about the ETS risk assessment. These statements need to be marketed.
- (6) **Recent Statements by the Press** - There has been a deluge of articles in the press concerning the deficiencies in EPA science. These articles should be targeted to the appropriate reporters.

Recommended Next Steps

- (1) That a decision be made with respect to the options outlined above.
- (2) That the labor unions and related groups to be targeted be identified.
- (3) That a resource level be determined.